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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
HOWARD KRADER)
)
 v) No. 16-0402
)
COMMONWEALTH EDISON COMPANY)
)
Complaint as to overcharged for)
over 15 months for faulty meter)
in Deerfield, Illinois.)

Chicago, Illinois
September 26, 2016

Met pursuant to notice at 11:00 a.m.

BEFORE:
MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES:
MR. HOWARD KRADER
1319 Charing Cross Road
Deerfield, Illinois 60015
appeared pro se;

1 APPEARANCES: (Cont'd.)

2

3 MR. MARK L. GOLDSTEIN
4 3019 Province Circle
5 Mundelein, Illinois 60060

6

-and-

7

8 MS. REBECCA A. GRAHAM
9 33 North LaSalle Street
10 Suite 2200
11 Chicago, Illinois 60602
12 appeared for Respondent.

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25 SULLIVAN REPORTING COMPANY, by
26 Teresann B. Giorgi, CSR
27 084-000977

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1		<u>I</u> <u>N</u> <u>D</u> <u>E</u> <u>X</u>			
2				Re-	Re-
3	<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>dir.</u>	<u>crx.</u>
4	NONE				<u>By</u>
5					<u>Examiner</u>
6					
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9		<u>E</u> <u>X</u> <u>H</u> <u>I</u> <u>B</u> <u>I</u> <u>T</u> <u>S</u>			
10	<u>APPLICANT'S</u>	<u>FOR IDENTIFICATION</u>			<u>IN EVIDENCE</u>
11	NONE				
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1 JUDGE RILEY: Pursuant to the direction of
2 the Illinois Commission Commission, I call
3 Docket 16-0402.

4 This is a complaint by Howard Krader
5 versus Commonwealth Edison Company as to overcharged
6 for over 15 months for faulty meter
7 in Deerfield, Illinois.

8 And, Mr. Krader, it's my understanding
9 you are proceeding without counsel this morning, is
10 that correct?

11 MR. KRADER: That's correct.

12 JUDGE RILEY: You're free at any time during the
13 course of this proceeding to obtain counsel if you
14 so wish.

15 MR. KRADER: Okay.

16 JUDGE RILEY: But they would have to take the
17 record as they find it. We wouldn't be able to go
18 back and start over.

19 MR. KRADER: I understand.

20 JUDGE RILEY: And who is going to enter an
21 appearance for Commonwealth Edison?

22 MS. GRAHAM: On behalf of Commonwealth Edison

1 Company, Rebecca Graham, 33 North LaSalle Street,
2 Suite 2200, Chicago, Illinois 60602. My telephone
3 number is 312-505-8154.

4 MR. GOLDSTEIN: Also for Commonwealth Edison
5 Company, Mark L. Goldstein, 3019 Province Circle,
6 Mundelein, Illinois 60060. My telephone number is
7 847-949-1340.

8 And with us this morning is Aaron
9 Jimenez of ComEd.

10 JUDGE RILEY: All right. Thank you.

11 Mr. Krader, essentially what you're
12 saying is that you have a -- your meter was not
13 operating properly --

14 MR. KRADER: That's correct.

15 JUDGE RILEY: -- for 15 months and it resulted
16 in over \$1500 in overcharges you believe?

17 MR. KRADER: That is correct.

18 JUDGE RILEY: What is it about the meter that
19 made you think it was faulty?

20 MR. KRADER: Okay. Starting out in December of
21 '13 -- December of 2013, to January, I noticed my
22 electric bills were getting extremely high. Let me

1 preface this, I live alone. I've got a relatively
2 small residence, about 1400 square feet. During
3 that time December/January I was out of town most of
4 the time and they were high. I started looking at
5 them continuously and they were continuously high.

6 I started to call ComEd. They had a
7 standard answer that -- I'm sorry. I felt that
8 somebody had either spliced into my electric system
9 or the meter was malfunctioning. They said nobody
10 can splice into your system. Our meters do not
11 malfunction.

12 I started to compare my electric bills
13 with neighbors with larger homes with families. And
14 their bills were a fraction of mine. Again, I
15 started to continuously call ComEd and they have a
16 scripted answer that, Our meters never malfunction
17 and everybody uses electricity differently.

18 Over the next seven or eight months I
19 called five more times. The same scripted answer.
20 I was at my wits end. I felt that Commonwealth
21 Edison was operating without any supervision. In
22 March of 2015, after talking with somebody with the

1 press, they informed me that before I do anything to
2 contact the Illinois Commerce Commission. And they
3 explained to me that ComEd was responsible to them.

4 I registered a complaint. Within days
5 I got a call from ComEd. At first I was elated.
6 That was momentarily. Then as the conversation went
7 on a little further, it was a lot of intimidation.
8 As soon as I mentioned I was a senior, I live alone,
9 I have a small home, then I was treated like an
10 uneducated senile old couth. They refused to check
11 on the meter. But, finally, they acquiesced -- the
12 party named Annette acquiesced. They were going to
13 check the meter to check the accuracy.

14 After a couple of no shows, a fellow
15 came out, checked the meter, the name was Geronimo.
16 I said was it running accurately? He said, No. He
17 smiled. He didn't want to give me much information.
18 He exchanged the meter. From that point on my
19 electric bills decreased, not by 10 percent, not by
20 20 percent, by 45 percent with no changes in my mode
21 of living at all, 45 percent over 15 months. Over
22 15 months every bill was significantly lower except

1 for one and that was an estimated bill and they used
2 an estimated bill from the year before.

3 I have copies of all the bills.

4 JUDGE RILEY: The before and after?

5 MR. KRADER: 15 months before, 15 months after.

6 JUDGE RILEY: All right.

7 Did ComEd ever tell you what was wrong
8 with the meter?

9 MR. KRADER: They said that nothing was wrong
10 with the meter after they brought it into their
11 shop. I disputed and said, You can't police
12 yourself. Either you let me take the meter or you
13 let an independent party take the meter and test it.
14 They were adamant that, Nobody touches our meters.
15 It's our meters. We test it. That's it. And
16 there's nothing I can do.

17 JUDGE RILEY: And you still allege that you were
18 overbilled. The figure you have in your complaint
19 is \$1559.39?

20 MR. KRADER: Yeah, I double-checked it. I was
21 off a little bit. Yes. That's over 15 months.

22 JUDGE RILEY: All right.

1 MR. KRADER: Now, again, in December of '15 --
2 December of '14 and January of '15, I was out of
3 town most of the month. And I've got copies of my
4 passport to show that. And still the electricity
5 was extremely high. My heat was turned down. I
6 don't -- and nobody was living there and only light
7 is on.

8 They asked the pertinent questions
9 like, What kind of heat do you have, when I
10 discussed it with ComEd. Do you have electric
11 cooking? Do you have electric dryer, which I don't.
12 Everything is gas operated, heat -- but anyways --

13 JUDGE RILEY: I understand.

14 MR. KRADER: They were very uncooperative.

15 JUDGE RILEY: ComEd's response?

16 MS. GRAHAM: Well, Judge, from everything that
17 we have, the activity statement, meter readings,
18 et cetera. I'm looking at a meter test report. The
19 meter was tested. It tested within the guidelines
20 established by the ICC. So, we don't really see
21 from our end any basis for an adjustment on the
22 account. And that's kind of where we are.

1 I mean, obviously, if he would like,
2 we can do a referee test on the meter, if that
3 would --

4 MR. KRADER: I don't understand what you mean by
5 referee test.

6 MS. GRAHAM: You can be present while we test
7 the meter and a representative from the ICC would be
8 there as well.

9 MR. KRADER: That's 15 months ago. Now, there's
10 no way that you can guarantee that that meter is the
11 meter you're going to bring in front of me.

12 Why did they refuse to let somebody,
13 an independent, test the meter?

14 MS. GRAHAM: We never allow an independent test
15 of a meter. All of the guidelines that we follow
16 are established by the ICC.

17 It's my understanding we still have
18 the meter.

19 MR. JIMENEZ: We still have it. It's in the
20 shop. There's a green tag on it. It gets put in
21 storage. We hold it for a number of years. We can
22 definitely go through and test that meter, if you'd

1 like.

2 MR. KRADER: Personally I don't trust ComEd. I
3 don't think it's the same meter. I marked the meter
4 in a certain place. I can tell you that. But I
5 just don't trust ComEd anymore. They've lied to me
6 and lied to me.

7 MR. GOLDSTEIN: So, you think that ComEd changes
8 the numbers on the meter? You know, every meter has
9 a certain number --

10 MR. KRADER: I understand that.

11 MR. GOLDSTEIN: -- and you think that ComEd
12 would change the numbers on the meter or what are
13 you saying?

14 MR. KRADER: I'm saying, I don't trust ComEd.

15 I have the figures. Figures don't
16 lie. If there's any reason you can give me why my
17 electric bills have decreased by 45 percent -- I
18 just don't understand.

19 MR. JIMENEZ: We will note that about a month or
20 so after we did exchange the meter that you were
21 complaining about -- you said late 2013, early 2014,
22 they were high and then we exchanged the meter that

1 you're complaining --

2 MR. KRADER: No. No. You've got the dates
3 wrong, but go ahead.

4 MR. JIMENEZ: So, we exchanged the meter. You
5 agree with that. And you say your bills went down.

6 Right around the same time that we
7 exchanged the meter, you actually changed suppliers.
8 You were supplied by, I think, MC Squared --

9 MR. KRADER: I don't --

10 MR. JIMENEZ: It should be right on your bills,
11 if you have them from 2014, and if you look
12 afterwards, it would be supplied by ComEd. I don't
13 know what that supplier might have been charging
14 you. I don't know if those were different from
15 ComEd's rates. Oftentimes they do vary, sometime
16 significantly. That is a possibility. And that
17 would be a complaint against that supplier and not
18 against ComEd.

19 MR. KRADER: I don't know that I ever had
20 anybody else except ComEd deliver and invoice me for
21 electricity. I never authorized anybody else to do
22 it. All my bills were paid to ComEd. I received

1 invoices from ComEd. And when I make complaints to
2 ComEd nobody ever said anything about going to a
3 third party.

4 MR. JIMENEZ: So, there's two items on your
5 bills, one says distribution, one says supply. If
6 you look and you have those older bills, the supply
7 side would likely be dated different other than
8 ComEd.

9 And we have a summarized activity
10 statement that does show it was MC Squared.

11 JUDGE RILEY: So, ComEd does have records that
12 say that the Complainant did have an alternative
13 retail electric supplier at one time?

14 MS. GRAHAM: Yes, Judge.

15 MR. JIMENEZ: And the switch happened within a
16 month or so of the exchange of the meter that we
17 still have and tested.

18 JUDGE RILEY: When did -- I think the time
19 period we're talking about is roughly from that
20 January of '14 to April, I believe, 9th of 2015, is
21 when the meter was changed out.

22 MR. KRADER: Yes.

1 JUDGE RILEY: That roughly 15 month period.

2 MR. JIMENEZ: So, it looks like it would have
3 been exchanged in April --

4 MR. KRADER: April 9th of '15.

5 MR. JIMENEZ: -- of '15. And the last -- May of
6 '15, I still see an MC Squared Energy Services who
7 was supplying his -- was his supplier. And then the
8 month right after that it switched to ComEd.

9 JUDGE RILEY: Was MC Squared the supplier prior
10 to the time that the meter was switched -- do the
11 record show when MC Squared became the supplier?

12 MS. GRAHAM: No, Judge, we only have two years
13 of data. So, our activity statement goes back to
14 September of 2014.

15 JUDGE RILEY: Okay. September of 2014.

16 Was MC Squared the supplier at that
17 time?

18 MS. GRAHAM: Yes. It was the supplier until it
19 looks like -- the first month that it was not the
20 supplier was June of 2015.

21 JUDGE RILEY: Which was two months after the --

22 MS. GRAHAM: The exchange.

1 MR. GOLDSTEIN: Let me add one thing, Judge.

2 Mr. Krader filed his informal
3 complaint in April of 2015, and, obviously he filed
4 his formal complaint in August of 2016. We do have
5 an activity statement that goes back to April of
6 2013, a two year period, and --

7 MR. KRADER: 2013?

8 MR. GOLDSTEIN: Yes, 2013.

9 And it shows that MC Squared was
10 providing service as far back as April of 2013.

11 JUDGE RILEY: Mr. Krader, do you have any
12 recollection of ever --

13 MR. KRADER: No, I never --

14 JUDGE RILEY: -- switching service from --

15 MR. GOLDSTEIN: All we have to do is look at the
16 bill and we can tell --

17 MR. KRADER: Let me make sure -- okay. This is
18 a January of '14. I mean, I don't know how --
19 what's the name of the company again?

20 MR. GOLDSTEIN: It's MC Squared Energy Services.

21 MR. KRADER: I don't even know how that got
22 involved. But the question is, when I called ComEd,

1 why didn't they make me aware of this fact?

2 MR. GOLDSTEIN: I have no idea.

3 MR. JIMENEZ: The customer chooses the supplier.

4 ComEd doesn't choose it for you.

5 MR. KRADER: I understand that. But why didn't

6 somebody at ComEd say, You're calling the wrong

7 people. You should call somebody else.

8 MR. JIMENEZ: If you were complaining about the

9 equipment, it is our equipment.

10 MR. KRADER: I complained about the bills. And

11 I said initially I thought maybe somebody spliced

12 into my system because my bills were extremely high.

13 They said that's impossible. I said, Then something

14 has got to be wrong with the meter. Because I don't

15 know how I could have outrageous bills like that.

16 And nobody -- they had the pat answers -- scripted

17 answers. Nobody could go into your -- meters never

18 malfunction and everybody uses electricity

19 differently.

20 Why didn't they tell me somebody else

21 was involved? I never signed for anybody to --

22 MR. GOLDSTEIN: Perhaps the Village of Deerfield

1 was -- sent out a notice to you that that were going
2 to use -- they had an opportunity to use a third
3 party supplier and if the Village chose MC Squared
4 and since you did not say anything, yay or nay, you
5 were automatically put on their system.

6 JUDGE RILEY: You're saying this is a
7 possibility.

8 MR. GOLDSTEIN: Yes. I have no idea what
9 actually happened. I don't live in Deerfield.

10 JUDGE RILEY: It's something you might want to
11 check with the Village of Deerfield and find out
12 what --

13 MR. KRADER: I'll check with them, but -- here's
14 an example --

15 MR. JIMENEZ: The last one we see with
16 MC Squared -- maybe you want to check April of '15.

17 MR. KRADER: Okay. That's a good point.

18 Here's an April bill --

19 JUDGE RILEY: April of what?

20 MR. KRADER: April of 2015.

21 MR. GOLDSTEIN: Is that the back of the bill or
22 the front of the bill?

1 MR. KRADER: Both copies.

2 MR. GOLDSTEIN: If you look right here,

3 Mr. Krader, you see MC Squared --

4 MR. KRADER: Okay. I see that now.

5 MR. GOLDSTEIN: At that time they were your

6 supplier of electric energy.

7 MR. KRADER: Now you tell me that.

8 MR. GOLDSTEIN: But on everyone of those bills

9 you'll see -- up until that time, your bills go back

10 to 2013, you'll see that MC Squared is the supplier.

11 MR. KRADER: Okay.

12 MR. GOLDSTEIN: Now, we have no idea what they

13 were charging and why they were charging. ComEd

14 does the billing for the alternative energy

15 supplier. And it is the way it is.

16 MR. KRADER: But here's an example. These are

17 both MC bills --

18 MR. GOLDSTEIN: Right.

19 MR. KRADER: -- this one is April of '15 --

20 2015. This is April of 2014. The 2014 is 192.

21 This is 139.

22 JUDGE RILEY: Are those supply charges?

1 MR. KRADER: Those are the charges to me, yes.

2 JUDGE RILEY: The total charges.

3 The supply charge should be broken
4 out. And what ComEd is suggesting is that maybe it
5 was the supply charges that had changed
6 dramatically, that it increased dramatically.

7 MS. GRAHAM: Can I see that bill? The April
8 2015 bill?

9 MR. KRADER: 2015?

10 MS. GRAHAM: Yeah.

11 MR. KRADER: I'm comparing it with April 2014,
12 there's some percent difference.

13 My question, why would the Village of
14 Deerfield choose somebody else? Because they were
15 getting a better rate, possibly.

16 MR. GOLDSTEIN: That's exactly right.

17 MR. KRADER: I can't read these invoices.
18 They're pretty complexed, as far as I'm concerned.

19 MR. GOLDSTEIN: Can't do anything about the
20 bills, Judge.

21 MR. KRADER: No, I know that.

22 MR. GOLDSTEIN: Those bills are, as you know,

1 approved by the Commerce Commission in the format
2 that --

3 MR. KRADER: Just an off the wall comment.

4 MR. GOLDSTEIN: Oh, okay.

5 MR. KRADER: Like it's raining outside.

6 MS. GRAHAM: Can I see the 2014 -- April 2014
7 bill?

8 MR. KRADER: (Tendering.)

9 Then, again, the questions are when
10 nobody is home and using electricity, why are there
11 generating (sic) high bills.

12 MR. GOLDSTEIN: I don't know.

13 MR. KRADER: I still think there was a problem
14 with the meter.

15 JUDGE RILEY: Well, under any circumstances,
16 ComEd's records pretty conclusively show that your
17 supplier at that time was MC Squared, it wasn't
18 ComEd. And if you -- what I would suggest you do is
19 break out -- do another audit and break out the
20 supply charges and see if that wasn't the reason for
21 the dramatic increases in your billing. It may or
22 may not account for it, but it should be checked

1 into, and if it was -- if it does appear that
2 MC Squared, the supplier, was the problem, then your
3 remedy is against that supplier.

4 And you are also entitled to a referee
5 test, as Counsel explained. You know, ComEd still
6 has the meter, the same meter.

7 MR. KRADER: Again, when I called, and I think
8 it was six times, ComEd never told me -- never
9 advised me that there was another supplier.

10 JUDGE RILEY: It's very likely they assumed you
11 already knew.

12 MS. GRAHAM: I mean, it's on your bill, so...
13 You have notice of the charges and how they're
14 broken out and who is supplying and who is
15 delivering.

16 MR. KRADER: Well, you see it. You're used to
17 this. I don't think the average citizen realizes
18 that.

19 JUDGE RILEY: What I'm inclined to do is to set
20 this over for another 30 days.

21 Mr. Krader, I strongly suggest you
22 contact the Village of Deerfield and find out

1 whether or not the Village entered into a contract
2 with MC Squared. And I know it may have gone out
3 with the junk mail, but I've seen the same thing and
4 municipalities do give their residences the
5 opportunity to opt in or opt out.

6 The other thing is, again go through
7 the documents you have, the bills, and break out the
8 supply charges that were charged by MC Squared and
9 see if you can find whether or not there was some --
10 see whether or not that could have been the reason
11 for the increase in the bills.

12 MR. KRADER: We saw one month already where
13 there was -- it verified my statement --

14 JUDGE RILEY: I understand.

15 MR. KRADER: -- the April of '15 versus the
16 April of '14 and we saw there was a significant
17 decrease. And even when a man came to check the
18 meter and it was at -- I said to him, How does the
19 meter check out and he just smirked and says, I'm
20 going to switch it out. And he switched the meter.
21 And from there on end it was --

22 MR. JIMENEZ: My understanding is that the meter

1 actually tested below the limits in the field.
2 Sometimes there's false positives in the field due
3 to the equipment that they carry. What that would
4 mean is that if it did test below the standard that
5 you would have been charged less than you're
6 actually consuming and --

7 MR. KRADER: I know. That's what this Annette
8 said. It was part of the intimidation. First of
9 all, the meter never malfunctioned, but then she
10 finally acquiesced that they're going to send
11 somebody out and she said that -- her statement was,
12 If they do malfunction, they always run slow. So,
13 you're going to be responsible for the shortfall.

14 MR. JIMENEZ: All I can say at this point is
15 that we have the meter. We tested the meter. We
16 have the results of the meter test and they tested
17 at 100.05 percent accurate.

18 MR. KRADER: Don't take offense. I don't trust
19 ComEd. If we were to have the meter and it would
20 have switch hands to somebody else, a neutral body,
21 to test it, I'd say we're fine. But, now, they've
22 got it. I don't know what they did with it.

1 JUDGE RILEY: Well, under a referee test, the
2 Commission would be a neutral party.

3 MR. KRADER: No, but they've already had the
4 meter. So, they could have made any adjustments
5 they've wanted.

6 MR. JIMENEZ: I don't think there's any basis
7 for that. No.

8 JUDGE RILEY: Again, you're entitled to a
9 referee test, if you so desire.

10 But, again, what I was going to
11 suggest is just continue this matter for 30 days.
12 Contact the Village of Deerfield and find out
13 whether or not they did enter into a contract for
14 the supply from --

15 MR. KRADER: I certainly will.

16 JUDGE RILEY: -- MC Squared.

17 And then again do an audit of those
18 bills and see if the supply charges aren't the
19 reason for the dramatic increases you've experienced
20 and then we can take it from there.

21 MR. KRADER: Okay. I'll try and read these
22 things.

1 JUDGE RILEY: Again, as I said, the supply
2 charges should be broken out. It should be clearly
3 labeled. I know it's fine print and all that.

4 MR. KRADER: No, I'm looking at it.

5 MS. GRAHAM: Should we pick a day, Judge? The
6 end of October?

7 JUDGE RILEY: That's what I was looking, the
8 last week of October.

9 MS. GRAHAM: We can do the 27th.

10 MR. GOLDSTEIN: If that's all right with
11 Mr. Krader.

12 JUDGE RILEY: Thursday, October 27th. That
13 would be 11:00 a.m. again.

14 MS. GRAHAM: That works for us.

15 MR. KRADER: That's fine. Same room?

16 JUDGE RILEY: No telling. It will be close.

17 So, do we have a plan, Mr. Krader,
18 you're going to check with the Village of Deerfield
19 and then check the supply charges on those?

20 MR. KRADER: Definitely. Yes.

21 JUDGE RILEY: All right. We'll see what we can
22 find out from that.

1 And, again, if it does appear that the
2 supply charges were the problem, you are not
3 foreclosed from a remedy against MC Squared. Let's
4 see what you find out.

5 MR. KRADER: I understand that. Okay. I will
6 do my homework.

7 JUDGE RILEY: And check with Deerfield and see
8 what they have to say.

9 MS. GRAHAM: Thank you, Judge.

10 JUDGE RILEY: Formal notice will be sent from
11 the Office of the Chief Clerk. We are continued for
12 a status to October 27, 2016 at 11:00 a.m.

13 MR. KRADER: Okay.

14 (Whereupon, the matter was
15 continued to October 27,
16 2016, 11:00 a.m.)

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